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17 APR 1972

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MEMORANDUM FOR THE RECORD

SUBJECT: Administration Bill to Liberalize the Hatch Act

1. Attached, Tab A, is a copy of a proposed Administration bill to amend and liberalize the Hatch Act. Coordination, not including CIA, is being conducted by OMB. OGC requested the attached from CSC for our possible comment. Tab B is a copy of the present regulations governing political activities as published in the Federal Personnel Manual. Tab C is a copy of the Agency regulation.

Principal Changes

2. The principal changes in the Administration bill to present procedures of concern to the Agency, are as follows:

Administration Bill

- a. Allows Government employees to participate in local elections on a partisan basis, provided the elected position is a part-time and not full-time basis.
- b. Allows CSC to designate a geographic area where an employee may engage in local political activities whenever 20 percent of the voters are Federal employees.

Present Procedures

- a. Presently, Government employees may participate in local elections but on an independent nonpartisan basis only.
- b. Presently, the CSC has designated the metropolitan Washington, D. C. area and may designate any area where the majority of voters are Federal employees.

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c. Grants CSC exclusive and full administrative authority to investigate and adjudicate alleged violations for both the competitive and excepted services. Sec. 7328 requires that an employee having reason to believe that another employee has violated the law must report it to the CSC. The CSC is given authority to subpoena witnesses and documents. The minimum punitive sanction is reduced from 30 to 5 days suspension.

d. Grants an employee the express right of an appeal to the United States Court of Appeals.

e. Grants to agency heads the same authority as they have under present CSC regulations.

c. Presently, the CSC may investigate and adjudicate cases in the competitive service only. The head of an agency in the excepted service makes his own investigation and adjudication. However, there is a right of appeal to the CSC when a decision is made to terminate. Under the appeal procedures, if the CSC finds by unanimous vote that the violation does not warrant removal, penalty of not less than 30 days suspension without pay is to be imposed at the direction of the Commission (Sec. 733.203 - attached Tab B). (Though not expressly stated, the CSC action would reverse the decision of an agency head.)

d. Presently, a CSC decision may be appealed to the U. S. District Court. The regulations of excepted agencies are to include notification of an employee of his right to appeal to the CSC when a decision is made to terminate (Section. 733.203 - attached Tab B).

e. Presently, regulations by CSC provide that the head of an agency may prohibit or limit the participation of an employee in political activities if participation would "interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests" (Sec. 733.111(b) - attached Tab B).

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Effect Upon CIA

3. A significant change is the broadening to permit participation in partisan local elections. The impact of this relaxation would be difficult to predict. Agency employees have run for and held responsible non-partisan elected local office in the Washington, D. C. area without incident. Each case, as in the past, will have to be judged separately. Of concern is whether the statutory requirement upon the CSC to investigate and adjudicate all violations and the statutory right of court review impair the authority of the Director under Section 102(c) of the National Security Act of 1947 and contravene Section 6 of the CIA Act of 1949 which precludes the disclosure of the functions and names of Agency personnel for the protection of sources and methods.

4. Under the Administration bill, the CSC would conduct an investigation into an employee's political activities since any suspected violation is to be reported to the CSC. However, due to cover and other security considerations, an investigation into the personal activities of an Agency employee, be it political activities or otherwise, requires that it be handled internally and not subject to any external review. Further, cover and other security factors may prohibit an employee from engaging in political activities which might otherwise be permitted in a nonsensitive agency. These considerations differ sharply from the criteria exercised by the CSC in its adjudications.

5. It can be argued that the discretionary authority granted to an agency head under present CSC regulations (Tab B - Sec. 733.111(b)) and under Section 7322(b) of the Administration bill to deny political activities in instances of "conflict of interests" would include matters of national interest such as cover and other factors peculiar to the Agency. If the Director were to follow this approach, however, then other provisions of the bill may apply, including the investigative procedures and court review. A sounder approach to preserve the integrity of the Director's authority under Sec. 102(c) is to acknowledge that the bill, as the present law, prescribes the permissive and prohibitive parameters of political activities for employees. This, however, would not preclude the Director from exercising his authorities under the National Security Act and the CIA Act to limit or prohibit political activities. If termination became necessary, it would be under the Director's removal authority, Section 102(c), rather than the Hatch Act. The review provisions of the Hatch Act, therefore, would not apply. Though a contested issue on this point has never arisen, this would be the approach under present procedures should one occur and the same would apply to the Administration bill.

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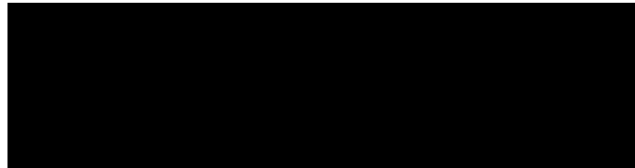
6. An exemption for the Agency from the Administration bill may be considered the only positive way to be assured that the Director's authorities are not impaired. This action would not serve the Agency's interest. The bill extends what is considered a fundamental constitutional right of freedom of political expression. To seek exemption, even on sound national security grounds, would be impolitic and we would undoubtedly stand alone. Undoubtedly, the same reaction would result even if our exemption is limited to only the appeal procedures.

7. Accordingly, two courses of action are open:

a. Prepare a response to OMB or CSC stating that the Agency has no objection to the bill, but making it clear that security considerations require that the Director, under his statutory authorities, will continue to maintain exclusive jurisdiction over any cases of political activity by Agency employees.

b. Take no action on the proposed bill, accepting it as a liberalization of political activities by employees which we will judge as we do now on a case by case basis. Should an issue become so aggravated as to result in dismissal and a court case ensue, the Director would be prepared to defend on the basis of his authority under Section 102(c).

8. Under the circumstances, it would seem best to follow action 7b above.



25X1A

Assistant Legislative Counsel

attachments

Distribution:

✓ OGC w/atts.

DDS w/o atts.

IG w/o atts.

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TAB



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UNITED STATES CIVIL SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

WASHINGTON, D.C. 20415

FEB 10 1972

IN REPLY PLEASE REFER TO

GC:LEG

McC:vc

YOUR REFERENCE

Office of the General Counsel
Central Intelligence Agency
Attention: Mr. Richard Lansdale
Washington, D.C. 20505

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Dear [REDACTED]

As you requested, here is a copy of the Commission's draft bill on political activity that was submitted to the Office of Management and Budget June 1, 1972.

Comments from most of the agencies are now being reviewed in the Office of the General Counsel of the Commission, and we expect that some revisions in the draft bill will be made.

Sincerely yours,

J. James McCarthy

J. James McCarthy
Assistant General Counsel

Enclosure

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THE MERIT SYSTEM—A GOOD INVESTMENT IN GOOD GOVERNMENT



U.S. CIVIL SERVICE COMMISSION
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OFFICE OF THE CHAIRMAN
WASHINGTON, D.C. 20415

Honorable Carl Albert

Speaker of the House of Representatives

Dear Mr. Speaker:

The Commission is submitting for the consideration of the Congress proposed legislation "To provide for the regulation of political activities of public employees, and for other purposes." There are enclosed: (1) a draft bill, (2) a sectional analysis of the draft bill, and (3) a statement of purpose and justification.

The present restrictions on the political activity of Federal employees and of certain State and local employees are in the main to be found in legislation enacted in 1939 and 1940 (the former Hatch Political Activities Act). This legislation directly limits the political action of over five million public employees. There is widespread opinion that favors at least some modification of the statute which for thirty years without basic amendment has regulated employee participation in the political process.

The Commission on Political Activity of Government Personnel, established by Public Law 89-617, conducted a year-long study and in January 1968 reported its findings and recommendations to the President and Congress. As part of its report, that Commission presented a draft bill proposing extensive changes in the present statute. A bill introduced in the 91st Congress by Representative Olsen, who was a member of the Commission on Political Activity, incorporated the recommendations of that Commission.

The Civil Service Commission, too, favors changes in the present statute. Our draft bill would grant employees greater freedom of political participation, strengthen the provisions against abuses such as official coercion of employees, and eliminate any uncertainty as to which activities are prohibited by detailing them in the statute itself. We urge that these amendments be adopted.

We oppose enactment of bills patterned on the Study Commission's recommended bill because they would unduly relax the restraints on the sort of partisan conduct that led to the original enactment. We also fear that the provision for self-enforcement by the States would not be truly effective.

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The bill we propose increases the protections against coercion of employees and other misuse of official authority for political purposes. On the other hand, employees would be allowed more freedom of political action, particularly in their local communities. Moreover, a list of specific prohibitions is added to replace the one-sentence, general prohibition of present law which requires reference to sources outside of the statute in order to determine what forms of political action are now proscribed.

Under our bill more communities than under present law could qualify for an exception which permits greater political participation at the local level by covered employees when they represent a substantial percentage (20%) of the voting population in their communities. Active participation in partisan elections for local office would be permitted in the designated political subdivisions.

The categories of State and local government officials exempted from the restrictions on campaigning and political management are expanded to include an appointed (as well as an elected) head of an executive department of a State, municipality, or other political subdivision. A similar exemption for an individual whose principal employment is an elective office is retained.

For uniformity in enforcement proceedings the subpoena power, now available in State cases, would be made available for use in Federal-employee cases. Minimum penalties have been reduced to allow for less severe disciplinary actions. Suspension of State and local employees is provided for, as an alternative to the removal penalty now prescribed.

Our bill would amend the judicial review provision which covers only State and local employees, by permitting direct appeal from Commission decisions to a United States Court of Appeals in both Federal and State cases. Review by a court of appeals rather than by a district court is considered appropriate in light of the fact that review will be made on the administrative record, without a trial de novo.

The Office of Management and Budget advises that the proposed legislation is in accord with the Administration's program. The Civil Service Commission strongly urges its early and favorable consideration.

By direction of the Commission:

Sincerely yours,

Chairman

Enclosures

A BILL

To provide for the regulation of political activities of
public employees, and for other purposes

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That Congress finds
that if the Government is to continue to provide the services to the
public and to achieve other essential ends for which governments are
established, some limitation on the political activity of Federal,
District of Columbia, and State and local employees is necessary in
order to preserve the integrity and efficiency of the Federal civil
service, to maintain the impartiality of public service, to insure the
effective and efficient administration of Federal loans and grants by
State and local agencies, and to prevent exploitation of public
employees for political purposes. In the light of the foregoing, it
is the intent of this Act to restrict the political activity of employees
of the United States, the District of Columbia, and State and local
agencies only to the extent necessary to achieve these objectives.

SEC. 2. (a) The analysis of chapter 73 of title 5, United States
Code, is amended by striking out the matter relating to Subchapter III,
and inserting in place thereof:

"SUBCHAPTER III - POLITICAL ACTIVITIES

"Sec.

"7321. Definitions.

"7322. Permissible activities.

"7323. Prohibited activities; use of official authority or influence;
coercion.

- "7324. Prohibited activities; political management and political campaigning.
- "7325. Exception of employees; political management and political campaigning.
- "7326. Exception of employees residing in certain municipalities; political management and political campaigning.
- "7327. Exception of nonpartisan elections; political management and political campaigning.
- "7328. Investigation; notice of hearing, hearing, and decision.
- "7329. Subpenas; depositions.
- "7330. Decision; penalties.
- "7331. Judicial review."

(b) Subchapter III of chapter 73 of title 5, United States Code is revised and amended to read as follows:

"SUBCHAPTER III - POLITICAL ACTIVITIES

"§ 7321. Definitions

"For the purpose of this subchapter --

"(1) 'employee' means an employee in an Executive agency and an individual employed by the government of the District of Columbia;

"(2) 'agency' means an Executive agency and the government of the District of Columbia;

"(3) 'local office' means an office in any branch of the government of a State, any political subdivision of a State, or the District of Columbia, the duties of which require less than full-time service but does not include an office the duties of which require periodic service on a full-time basis;

"(4) 'State' means a State, territory, and possession of the United States including the Commonwealth of Puerto Rico;

"(5) 'political party' means a national and a State political party and an affiliated organization;

"(6) 'partisan' when used as an adjective, refers to a political party;

"(7) 'nonpartisan election' means --

"(A) an election for a local office and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a political party; and

"(B) an election involving a question or issue such as a constitutional amendment, approval of a municipal ordinance or any other question or issue of a similar character; and

"(8) 'election' includes a primary, special, and general election.

"§ 7322. Permissible activities

"(a) All employees are free to engage in political activity not otherwise prohibited by law to the fullest extent consistent with the restrictions imposed by this subchapter in the interest of preserving the integrity and efficiency of the public service. Each employee retains the right to --

"(1) register and vote in any election;

"(2) express his opinion as an individual privately and publicly on political subjects and candidates;

"(3) display a political picture, sticker, badge, or button;

"(4) participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of any similar organization;

"(5) be a member of a political party or other political organization and participate in its activities to the extent consistent with this subchapter;

"(6) attend a political convention, rally, fund-raising function, or other political gathering;

"(7) sign a political petition as an individual;

"(8) make a financial contribution to a political party or organization;

"(9) take an active part, as a partisan candidate, or in support of or opposition to a partisan candidate, in an election covered by section 7326 of this title;

"(10) take an active part, as a candidate, or in support of or opposition to a candidate or question or issue in a nonpartisan election covered by section 7327 of this title;

"(11) be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

"(12) serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

"(13) otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as a public servant or the neutrality, efficiency, or integrity of his agency.

"(b) Subsection (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. | The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by subsection (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests. |

"§ 7323. Prohibited activities; use of official authority or influence; coercion.

"(a) An employee may not interfere with or affect the result of an election to nominate or elect a candidate for public office or political party office, or induce any individual to --

"(1) solicit or make a political contribution, such as sell or purchase a ticket to a political dinner; or

"(2) engage in any other form of political activity, whether prohibited or permitted by law; by the use or attempted use of his official authority or influence, or by direct or indirect coercion or attempted coercion.

"(b) In subsection (a) of this section, 'use of official authority or influence' includes, but is not limited to, promising to secure a Federal, State, or local appointive office or position; promising to confer a benefit or threatening to effect a reprisal; and offering to secure or deny benefits under an act of Congress.

"(c) An employee may not request or receive from, or give to, any employee of the United States or the District of Columbia, a State or local employee, a Member of Congress, a candidate for Congress, or a member of the uniformed services money or service for a political purpose.

"(d) An employee may not disclose a list of names of employees, or of persons receiving benefits under an Act of Congress, for a political purpose.

"§ 7324. Prohibited activities; political management and political campaigning.

"(a) An employee may not take an active part in political management or in a political campaign, except as permitted by sections 7326 and 7327 of this title.

"(b) Activities prohibited by subsection (a) of this section include but are not limited to --

("(1) serving as an officer of a political party, a member of a national, State, or local committee of a political party, an

officer or member of a committee of a political club, and being a candidate for any of these positions;

"(2) organizing or reorganizing a political party organization or political club;

"(3) directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose or in connection with a partisan election;

"(4) organizing, selling tickets to, seeking support for, or actively participating in a fund-raising activity of a political party or political club;

"(5) taking an active part in managing the political campaign of a candidate for public office or political party office;

"(6) being a candidate for, or campaigning for an elective public office;

"(7) taking an active part in an organized solicitation of votes in support of or in opposition to a candidate for public office or political party office;

"(8) acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

"(9) driving voters to the polls on behalf of a political party or a candidate in a partisan election;

"(10) endorsing or opposing a candidate in a partisan election in a political advertisement, broadcast, campaign literature, or similar material;

"(11) serving as a delegate, alternate, or proxy to a political party convention;

"(12) addressing a State or national convention or caucus, or a rally or similar gathering of a political party in support of or in opposition to a candidate for public office or political party office, or on a partisan political question;

"(13) initiating or circulating a nominating petition for a candidate in a partisan election or signing a partisan petition listing his official position; and

"(14) engaging in any similar activity prohibited by regulations of the Civil Service Commission.

"§ 7325. Exception of employees; political management and political campaigning.

"(a) Section 7324 of this title does not apply to --

"(1) an employee paid from the appropriation for the White House office, from funds for special projects to provide staff assistance to the President, or an employee on special assignment to the White House, unless the employee is serving under a career or career-conditional appointment in the competitive service;

"(2) a head, deputy head, and assistant head of an agency, a member of an independent commission, board, or establishment, and one personal assistant to each official excepted under this paragraph;

"(3) an employee appointed by the President;

"(4) the Commissioner of the District of Columbia, the Assistant to the Commissioner, and a member of the District of Columbia Council;

"(5) a member of an advisory commission, council, committee, or similar organization who --

"(A) is designated or appointed by the President, the head of an agency, the President of the Senate, the Speaker of the House of Representatives, or a justice or judge of the United States;

"(B) performs temporary duties either on a full-time or intermittent basis for not more than 130 days during any period of 365 consecutive days; and

"(C) is not subject to section 7324 of this title by virtue of his employment in another agency; or

"(6) an employee who is a member of the teaching staff or an official of an educational institution, establishment, or system, which is supported in whole or in part by the United States or the District of Columbia, and who is not otherwise subject to section 7324 of this title by reason of his employment in an agency.

"(b) The Civil Service Commission may except from the coverage of section 7324 of this title an employee whose employment is part time, temporary, or intermittent or who has been granted leave without pay for 1 year or more.

"(c) Notwithstanding subsections (a)(2) and (a)(3) of this section, section 7324 of this title applies to the chairman and members of --

"(1) the Atomic Energy Commission;

"(2) the Board of Governors of the Federal Reserve System;

"(3) the Civil Aeronautics Board;

"(4) the Civil Service Commission;

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"(5) the Federal Communications Commission;

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- "(6) the Federal Home Loan Bank Board;
- "(7) the Federal Maritime Commission;
- "(8) the Federal Power Commission;
- "(9) the Federal Trade Commission;
- "(10) the Interstate Commerce Commission;
- "(11) the National Labor Relations Board; and
- "(12) the Securities and Exchange Commission.

"§ 7326. Exception of employees residing in certain municipalities;
political management and political campaigning.

"(a) Within the limitations prescribed in this section, section 7324 of this title does not prohibit activity in political management or in a political campaign in connection with an election to a local office by an employee who resides in a municipality or other political subdivision designated by the Civil Service Commission.

"(b) The Commission shall designate a municipality or other political subdivision for the purpose of subsection (a) of this section when --

"(1) the number of employees, members of the uniformed services, and their spouses who are registered to vote in the municipality or other political subdivision and are members of a national or State political party is 20 percent or more of the total number of registered voters; and

"(2) a representative of the municipality or other political subdivision submits a request for designation to the Commission with information showing that the municipality or other political subdivision meets such other reasonable conditions as the Commission may require.

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"(c) The activity in political management and political campaigning that is permitted under this section is subject to the following limitations --

"(1) activity is permitted only in connection with elections for a local office of the municipality or other political subdivision;

"(2) the activity may be as a partisan candidate or in behalf of a partisan candidate or a political party unless the Commission limits the permissible activity to nonpartisan activity in the interest of the integrity and efficiency of the public service;

"(3) the office must be one that may be held without a conflict or apparent conflict of interest with, and without impairment of the efficient performance of, the official duties of the employee; and

"(4) the employee must comply with such other reasonable conditions or limitations as the Commission may impose in the interest of preserving the integrity and efficiency of the public service.

"(d) When the circumstances that justified the designation of a municipality or other political subdivision cease to exist, the Commission shall revoke the designation.

"§ 7327. Exception of nonpartisan elections; political management and political campaigning.

"Section 7324 of this title does not prohibit activity in political management or in a political campaign by an employee in connection with a nonpartisan election.

"§ 7328. Investigation; notice of hearing, hearing, and decision.

"(a) When an employee has reason to believe that another employee has violated section 7323 or 7324 of this title, he shall report the matter

to the Civil Service Commission.

"(b) When the Civil Service Commission receives information that indicates an employee may have violated section 7323 or 7324 of this title, it shall make such investigation into the matter as it considers warranted. When, after investigation, the Commission has reason to believe an employee has violated section 7323 or 7324 of this title, it shall give the employee at least 30 days advance written notice setting forth specifically and in detail the charges against him.

"(c) The employee who is charged with a violation of this subchapter is entitled to a --

"(1) reasonable time to answer the charges in writing;

"(2) hearing; and

"(3) decision on the basis of the record after opportunity for hearing.

"(d) Subject to the regulations of the Commission, the employee presiding at hearings shall exercise the powers and duties set forth in section 556 of this title.

"(e) Subsections (a) and (b) of this section do not apply to an employee appointed by the President [or to an employee of a class designated in the regulations of the Commission.]

"§ 7329. Subpenas; depositions.

"(a) At any stage of a proceeding or investigation under this subchapter, the Civil Service Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the proceeding or investigation at any designated place, from any State or the District of Columbia. Any member of the

Commission and its examiners, when authorized by the Commission, may sign subpoenas, administer oaths, examine witnesses, and receive evidence. In case of contumacy or refusal to obey a subpoena issued to a person, the Commission may request the Attorney General to invoke the aid of a court of the United States to secure compliance.

"(b) The Commission may order that testimony be taken by deposition at any stage of a proceeding or an investigation before it under this subchapter. Depositions may be taken before an individual designated by the Commission and having the power to administer oaths. Testimony shall be reduced to writing by the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence by the Commission as provided by this section.

"(c) A person may not be excused from attending and testifying or from producing documents or other evidence in obedience to a subpoena of the Commission on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. A person shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, after having claimed his privilege against self-incrimination, and testimony so compelled shall not be used as evidence in any criminal proceeding against him in any court, except that a person is not exempt from prosecution and punishment for perjury committed in giving his testimony. The Commission shall obtain the approval of the Attorney General of the United States before compelling testimony from a person who has claimed his privilege against self-incrimination.

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"(d) The Commission, in its discretion, may proceed with any investigation or proceeding instituted under this title notwithstanding that the Commission or the head of the employing agency has reported an alleged violation of title 18 as required by section 535, title 28, United States Code.

"§ 7330. Decision; penalties.

"(a) On the basis of the record of the proceedings the Civil Service Commission shall decide whether or not the employee has violated section 7323 or 7324 of this title. If the decision is that there has been a violation, the penalty is removal, unless the Commission unanimously decides that the violation warrants a suspension without pay. The minimum suspension that may be imposed is 5 days. The Commission also may decide that, in addition to removal, the violation warrants a bar on reemployment of the employee for a period of not more than 3 years by any agency. When the employee involved is a Presidential appointee or an employee of a class designated in the regulations of the Commission, the President or the head of the employing agency respectively, may exercise the powers vested in the Commission by this subchapter.

"(b) The Commission shall notify the employee and the agency of its decision. The agency shall comply with the decision of the Commission.

"§ 7331. Judicial review.

"(a) An employee aggrieved by a decision or order of the Civil Service Commission under section 7330 of this title may, within 60 days after the mailing of the notice of the decision or order, file with the United States Court of Appeals for the circuit in which he resides or with the United States Court of Appeals for the District of Columbia Circuit, a petition for review of the decision or order. The clerk shall serve a copy of the petition on the Commission and on the Attorney General by

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registered mail.

"(b) The findings of fact by the Commission, if supported by substantial evidence, are conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence. The Commission may thereupon make new or modified findings of fact and may modify its previous decision or order, and shall file in the court the record of the further proceedings. Any new or modified findings of fact are also conclusive, if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the decision or order of the Commission or to set it aside, in whole or in part. The judgment of the court is subject to review by the Supreme Court of the United States upon certiorari or certification as provided by section 1254 of title 28."

SEC. 3.(a) Subsection (d) of section 1302 of title 5, United States Code, is amended to read as follows:

"(d) The Commission may prescribe reasonable procedures and regulations for the administration of its functions under chapter 15 and subchapter III of chapter 73 of this title."

(b) Section 1308 of title 5, United States Code, is amended--

(1) by inserting "and" at the end of paragraph (2);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

SEC. 4. Chapter 15 of title 5, United States Code, is revised and amended to read as follows:

"CHAPTER 15. POLITICAL ACTIVITY OF CERTAIN
STATE AND LOCAL EMPLOYEES

"Sec.

"1501. Definitions.

"1502. Permissible activities.

"1503. Prohibited activities; use of official authority or influence;
coercion.

"1504. Prohibited activities; political management and political
campaigning.

"1505. Exception of certain State or local employees; political manage-
ment and political campaigning.

"1506. Exception of State or local employees residing in certain
municipalities; political management and political campaigning.

"1507. Exception of nonpartisan elections; political management and
political campaigning.

"1508. Investigation; notice of hearing, hearing, and decision.

"1509. Subpenas; depositions.

"1510. Decision; penalties.

"1511. Orders withholding loans or grants; limitations.

"1512. Judicial review.

"1513. Reinstatement or restoration; back pay.

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"§ 1501. Definitions.

"For the purpose of this chapter --

"(1) 'State' means a State, territory, and possession of the United States including the Commonwealth of Puerto Rico;

"(2) 'State or local agency' means the executive branch of a State, municipality, or other political subdivision of a State, and an agency thereof, including an agency established by two or more States, municipalities, or other political subdivisions of a State;

"(3) 'State or local employee' means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include an individual who exercises no functions in connection with that activity, or a Governor, an acting Governor, or a Lieutenant Governor;

"(4) 'Federal agency' means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

"(5) 'local office' means an office in any branch of the government of a State, any political subdivision of a State, or the District of Columbia, the duties of which require less than full-time service, but does not include an office the duties of which require periodic service on a full-time basis;

"(6) 'political party' means a national and a State political party and an affiliated organization;

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"(7) 'partisan' when used as an adjective, refers to a political party;

"(8) 'nonpartisan election' means --

"(A) an election for a local office and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a political party; and

"(B) an election involving a question or issue such as a constitutional amendment, approval of a municipal ordinance or any other question or issue of a similar character; and

"(9) 'election' includes a primary, special, and general election.

"§ 1502. Permissible activities

"(a) All State or local employees are free to engage in political activity not otherwise prohibited by law to the fullest extent consistent with the restrictions imposed by this chapter in the interest of preserving the effective and efficient administration of the State or local functions that are financed in whole or part by Federal funds. Each State or local employee retains the right to --

"(1) register and vote in any election;

"(2) express his opinion as an individual privately and publicly on political subjects and candidates;

"(3) display a political picture, sticker, badge or button;

"(4) participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of any similar organization;

"(5) be a member of a political party or other political organization and participate in its activities to the extent consistent with this chapter;

"(6) attend a political convention, rally, fund-raising function, or other political gathering;

"(7) sign a political petition as an individual;

"(8) make a financial contribution to a political party or organization;

"(9) take an active part as a partisan candidate, or in support of or opposition to a partisan candidate, in an election covered by section 1506 of this title;

"(10) take an active part, as a candidate, or in support of or opposition to a candidate or question or issue in a nonpartisan election covered by section 1507 of this title;

"(11) be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

"(12) serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

"(13) otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as a public servant or the neutrality, efficiency, or integrity of his agency.

"(b) Subsection (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by subsection (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

"§ 1503. Prohibited activities; use of official authority or influence; coercion.

"(a) A State or local employee may not interfere with or affect the

result of an election to nominate or elect a candidate for public office or political party office, or induce any individual to --

"(1) solicit or make a political contribution, such as sell or purchase a ticket to a political dinner; or

"(2) engage in any other form of political activity, whether prohibited or permitted by law; by the use or attempted use of his official authority or influence, or by direct or indirect coercion or attempted coercion.

"(b) In subsection (a) of this section 'use of official authority or influence' includes, but is not limited to, promising to secure a Federal, State, or local appointive office or position; promising to confer a benefit or threatening to effect a reprisal; and offering to secure or deny benefits under an act of Congress.

"(c) A State or local employee may not request or receive from, or give to, any employee of the United States or the District of Columbia, a State or local employee, a Member of Congress, a candidate for Congress, or a member of the uniformed services money or service for a political purpose.

"(d) A State or local employee may not disclose a list of names of State or local employees, or of persons receiving benefits under an act of Congress, for a political purpose.

"§ 1504. Prohibited activities; political management and political campaigning.

"(a) A State or local employee may not take an active part in political management or in a political campaign, except as permitted

by sections 1506 and 1507 of this title.

"(b) Activities prohibited by subsection (a) of this section include but are not limited to --

"(1) serving as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a political club, and being a candidate for any of these positions;

"(2) organizing or reorganizing a political party organization or political club;

"(3) directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose or in connection with a partisan election;

"(4) organizing, selling tickets to, seeking support for, or actively participating in a fund-raising activity of a political party or political club;

"(5) taking an active part in managing the political campaign of a candidate for public office or political party office;

"(6) being a candidate for or campaigning for an elective public office;

"(7) taking an active part in an organized solicitation of votes in support of or in opposition to a candidate for public office or political party office;

"(8) acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;

"(9) driving voters to the polls on behalf of a political party or candidate in a partisan election;

"(10) endorsing or opposing a candidate in a partisan election in a political advertisement, broadcast, campaign literature, or similar material;

"(11) serving as a delegate, alternate, or proxy to a political party convention;

"(12) addressing a State or National convention or caucus, or a rally or similar gathering of a political party in support of or in opposition to a candidate for public office or political party office, or on a partisan political question;

"(13) initiating or circulating a nominating petition for a candidate in a partisan election or signing a partisan petition listing his official position; and

"(14) engaging in any similar activity prohibited by regulations of the Civil Service Commission.

"§ 1505. Exception of certain State or local employees; political management and political campaigning.

"(a) Section 1504 of this title does not apply to --

"(1) the head of an executive department of a State, municipality, or other political subdivision, whether elected or appointed;

"(2) the mayor or chief executive of a municipality or other political subdivision of a State, unless his principal employment is in an office or position to which section 1504 of this title applies;

"(3) any individual holding an elective office, unless his principal employment is in an office or position to which section 1504 of this title applies; or

"(4) a State or local employee who is a member of the teaching staff or an official of an educational institution, establishment, or system which is supported in whole or in part by a State or political subdivision thereof, and who is not otherwise subject to section 1504 of this title by reason of his employment in a State or local agency.

"(b) The Civil Service Commission may except from the coverage of section 1504 of this title a State or local employee whose employment is part time, temporary, or intermittent, or who has been granted leave without pay for 1 year or more.

"§ 1506. Exception of State or local employees residing in certain municipalities; political management and political campaigning.

"Subject to the limitations of section 7326(c) of this title, section 1504 of this title does not prohibit activity in political management or in a political campaign in connection with an election to a local office by a State or local employee who resides in a municipality or other political subdivision designated by the Civil Service Commission under section 7326 of this title.

"§ 1507. Exception of nonpartisan elections; political management and political campaigning.

"Section 1504 of this title does not prohibit activity in political management or in a political campaign by a State or local employee in connection with a nonpartisan election.

"§ 1508. Investigation; notice of hearing, hearing, and decision.

"(a) When a State or local employee or any other individual employed by a State or local agency has reason to believe that a State or local employee has violated section 1503 or 1504 of this title, he shall report the matter to the Civil Service Commission.

"(b) When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local employee has reason to believe that the State or local employee has violated section 1503 or 1504 of this title, it shall report the matter to the Civil Service Commission.

"(c) On receipt of a report or on receipt of a complaint or other information which indicates that a State or local employee may have violated section 1503 or 1504 of this title, the Commission shall inquire further into the matter. When, after inquiry, the Commission has reason to believe that the State or local employee has violated section 1503 or 1504 of this title, it shall give the State or local agency and the State or local employee (the respondents) a written notice setting forth specifically and in detail the charges against the State or local employee.

"(d) The respondents are entitled to a --

 "(1) reasonable time to answer the charges in writing;

 "(2) hearing; and

 "(3) decision on the basis of the record after opportunity for hearing.

"§ 1509. Subpenas; depositions.

"(a) At any stage of a proceeding or investigation under this chapter

the Civil Service Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the proceeding or investigation at any designated place, from any State or the District of Columbia. Any member of the Commission and its examiners, when authorized by the Commission, may sign subpoenas, administer oaths, examine witnesses, and receive evidence. In case of contumacy or refusal to obey a subpoena issued to a person, the Civil Service Commission may request the Attorney General to invoke the aid of a court of the United States to secure compliance.

"(b) The Commission may order that testimony be taken by deposition at any stage of a proceeding or an investigation before it under this chapter. Depositions may be taken before an individual designated by the Commission and having the power to administer oaths. Testimony shall be reduced to writing by the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence by the Commission as provided by this section.

"(c) A person may not be excused from attending and testifying or from producing documents or other evidence in obedience to a subpoena of the Commission on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. A person shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, after having claimed his privilege against self-incrimination, and testimony so compelled shall not be used as evidence in any criminal proceeding against him in any court,

except that a person is not exempt from prosecution and punishment for perjury committed in giving his testimony. The Commission shall obtain the approval of the Attorney General of the United States before compelling testimony from a person who has claimed his privilege against self-incrimination.

"(d) The Commission, in its discretion, may proceed with any investigation or proceeding instituted under this title notwithstanding that the Commission or the head of the employing agency has reported an alleged violation of title 18 as required by section 535, title 28, United States Code.

"§ 1510. Decision; penalties.

"(a) On the basis of the record of the proceeding the Civil Service Commission shall decide whether or not the State or local employee has violated section 1503 or 1504 of this title. If the decision is that there has been a violation, the penalty is removal, unless the Commission unanimously decides that the violation warrants a suspension without pay. The minimum suspension that may be imposed is 5 days. The Commission may also decide that, in addition to removal, the violation warrants a bar on reemployment of the State or local employee for a period of not more than 3 years by any agency of the State or political subdivision in which he was employed.

"(b) The Commission shall notify the State or local employee and the State or local agency of its decision.

"§ 1511. Orders withholding loans or grants; limitations.

"(a) When the Civil Service Commission finds --

"(1) that a State or local employee has not been removed or

30 days after notice of that decision; or

"(2) that the State or local employee has been removed but has been reemployed within a period prescribed by the Commission under section 1510(a) of this title, or has been suspended but has been restored to duty before the end of the period of suspension that the Commission found to be warranted;

the Commission shall make and certify to the appropriate Federal agency a withholding order against its loans or grants. If the State or local employee has not been removed or suspended or if he has been reemployed or restored to duty in an agency of the State or political subdivision in which he was employed that does not receive Federal loans or grants, the order shall direct withholding from the loans or grants to the State or local agency to which notice was given under section 1510(b) of this title. If the State or local employee has been removed or suspended but has been reemployed or restored to duty in any agency of the State or political subdivision in which he was employed that receives Federal loans or grants, the order shall direct withholding from the loans or grants to that State or local agency. When the violation warrants removal, the amount withheld shall be equal to four times the annual rate of basic pay the employee was receiving at the time of a violation of section 1504 of this title, or ten times the annual rate of basic pay the employee was receiving at the time of a violation of section 1503 of this title. When the violation warrants a suspension, a proportionate amount shall be withheld.

"(b) The Commission shall send notice of a withholding order to the State or local agency from which funds are to be withheld. A withholding

order becomes final at the end of 30 days after this notice is mailed, unless the order is stayed by the Commission or by the United States Court of Appeals. After the order becomes final the Federal agency to which the order was certified shall withhold the amount specified in the order in accordance with the terms of the order.

"(c) The Commission may not require an amount to be withheld from a loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of that amount would jeopardize the payment of the principal or interest on the bonds or notes.

"§ 1512. Judicial review.

"(a) A State or local employee aggrieved by a decision or order of the Civil Service Commission under section 1510 or section 1511 of this title may, within 60 days after the mailing of notice of the decision or order, file with the United States Court of Appeals for the circuit in which he resides or with the United States Court of Appeals for the District of Columbia Circuit a petition for review of the decision or order. The State or local agency may also file a petition for judicial review. The clerk shall serve a copy of the petition on the Commission and on the Attorney General by registered mail.

"(b) The findings of fact by the Commission, if supported by substantial evidence, are conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence. The Commission may thereupon make new or modified findings of fact and may modify its previous decision or order, and shall file in the court the record of the further proceedings. Any new or modified findings of

fact are also conclusive, if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the decision or order of the Commission or to set it aside, in whole or in part. The judgment of the court is subject to review by the Supreme Court of the United States upon certiorari or certification as provided by section 1254 of title 28.

"§ 1513. Reinstatement or restoration; back pay.

"It is the sense of Congress that a State or local agency should award back pay to a State or local employee, in the same manner and under the same conditions that a Federal employee is awarded back pay under section 5596 of this title, when the State or local employee is found by appropriate authority to have undergone an unjustified or unwarranted personnel action under this chapter that has resulted in the withdrawal or reduction of all or of part of the pay, allowances, or differentials of the employee."

SEC. 5. (a) Section 603(a) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2943(a)), is further amended by striking out "clauses (1) and (2) of section 1502(a)" and inserting in lieu thereof "section 1503".

(b) Section 6 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973d) is amended by striking out "section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181)" and inserting in lieu thereof "subchapter III of chapter 73 of title 5, United States Code."

SEC. 6. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances

shall not be affected thereby.

SEC. 7. There is authorized to be appropriated a sum sufficient to carry out the purposes of this Act.

SEC. 8. This Act is effective on the date of enactment except that any proceeding pending before the Civil Service Commission or a district court on the effective date of this Act shall remain under the jurisdiction of the Commission or the court until the Commission or the court issues a final order, judgment, decree, or decision.

PRESENT LAW - 5 U.S.C. 7321-27

CSC DRAFT BILL

Coverage

Employee in an Executive agency or an individual employed by the Government of the District of Columbia

Same as present law

Exceptions;
total

The President and Vice President (The statute applies only to employees; by definition "employee" means a person "appointed" in the civil service. The President and Vice President are elected.

Same as present law

An individual employed by an educational or research institution, establishment, agency, or system, which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

Exemption for employees of research institutions abolished; exemptions for institutions, agencies, etc., supported by religious, philanthropic or cultural organizations also abolished. Teachers and officers of educational institutions supported by Federal or D.C. Government exempt only from political management and campaigning:

Exceptions
from prohibition of
management
and
campaigning

(1) an employee paid from the appropriation for the Office of the President

(1) expanded to exempt an employee paid from funds for special projects to provide staff assistance to President, or an employee on special assignment to the White House, unless the employee is serving under a career or career-conditional appointment in the competitive service

(2) head or assistant head of an executive department or military department

(2) changed to head, deputy head, and assistant head of an agency, a member of an independent commission or board other than specified regulatory agencies and one personal assistant to each excepted official

(3) employee appointed by the President, by and with the advice and consent of Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws

(3) changed to exempt any employee appointed by the President

(4) the commissioners of the District of Columbia

(4) changed to exempt the Commissioner of the District of Columbia, his assistant, and a member of the District of Columbia Council

(5) The Recorder of Deeds of the District of Columbia

(5) Deleted from draft bill

(6) no provision

(6) adds exemption for a member of an advisory commission, committee, or similar organization who is designated by the President, head of an agency, President of the Senate, the Speaker of the House of Representatives, or by a judge or justice of the United States, and who performs temporary duties for not more than 130 days.

(7) Commission may exempt a part-time, temporary or intermittent employee or an employee who has been granted leave without pay for 1 year or more.

Permissible Activities

(1) expression of opinion on political subjects and candidates
(2) activity in connection with non-partisan elections
(3) activity in connection with a question not specifically identified with a National or State political party

(1) same as present law

(2) limited to nonpartisan elections for part-time offices.
(3) same as present law

(4) lists other types of permitted activity in regard to, for example, political stickers, civic organizations, membership in political parties, attendance at political rallies, signing petitions, financial contributions, and partisan candidacy in certain municipalities.

(5) adds section allowing agency head to limit or prohibit permitted activity if it interferes with efficient performance of official duties or creates conflict or apparent conflict of interest.

Prohibitions

(1) employee may not use his official authority or influence to interfere with or affect the results of an election

(2) an employee (except Presidential appointee confirmed by Senate) may not request or receive from or give to an employee, member of Congress, or uniformed officer, anything of value for political purposes

(3) authorizes President to issue rules against political coercion or reprisals in Executive agencies

(1) and (2) essentially same as present law, but expanded to include examples, and incorporates some prohibitions now specified only in criminal law. For example, an employee may not induce any individual to solicit or make a contribution, or to sell or purchase a ticket to a political gathering, such as a political dinner

(3) replaced by direct prohibitions on coercion

PRESENT LAW

CSC DRAFT BILL

(4) ~~Employees may not take an active~~ Approved For Release 2001/08/30 : CIA-RDP73B00296R000400180010-8
part in political management or in
political campaigns

(2) same, except for exception for
exempted municipalities. List of
prohibitions covers such areas as:
(a) party office and management,
(b) political contributions, (c)
managing an election campaign, (d)
electioneering in partisan campaigns

Exception (1) certain employees of Alaska Railroad (1) deleted
of employees may participate in local political
in certain activities.

municipalities

(2) employees in communities designated (2) allows employee to be partisan
by Commission can take active part in candidate or engage in partisan manage-
management and campaigning - as indepen- ment in local election - (a) at least
dents - in local partisan elections - 20 percent of registered voters are
(a) when they constitute the majority of Federal employees, member of the
voters in the municipality, or uniform service or their spouses, (b)
(b) when the community is in the immediate office is not full-time
vicinity of the District of Columbia.

Investiga- No provision
tion;
Notice of
Hearing

(1) Commission may investigate; give
written notice
(2) employee entitled to reasonable
time to answer; hearing; and decision
on basis of record of hearing

Subpenas; No provision
Depositions

(1) subpoena power granted in adjudica-
tions and investigations
(2) Commission may order testimony by
deposition
(3) person may not be excused from
testifying on Fifth Amendment grounds,
but his compelled testimony may not be
used against him in any criminal case

Decision; (1) penalties range from 30 days'
Penalties suspension to removal

(1) minimum suspension reduced to 5
days. Maximum penalty remains removal
(2) Commission may also bar reemploy-
ment for a period of not more than
3 years by any Federal agency

Judicial No provision
Review

Employee aggrieved by Commission's
decision may seek review in United
States Court of Appeals

Other (1) - (4) No provisions
Provisions

(1) Specific back pay provision not
required since existing back pay
law applies
(2) Commission may investigate or pro-
ceed even though alleged violation
has been reported to Attorney General
as a criminal matter.
(3) - (4) No provisions

PRESENT LAW -

Chapter 15, title 5, U.S.C.CSC DRAFT BILL

Coverage An individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency.

Same as present law, but "State or local agency" expanded to include agency created by two or more States or other political subdivisions.

Excep-
tions;
total

(1) an individual who exercises no function in connection with that activity; or
(2) an individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(1) same as present law

(2) exemption for employees of research institutions abolished; exemptions for institutions, agencies, etc., supported by religious, philanthropic, or cultural organizations also abolished. Teachers and educational officials are made subject to restrictions on coercion and use of influence.

(3) Governor, an acting Governor or a Lieutenant Governor.

Excep-
tions
from pro-
hibition
of manage-
ment and
campaigning

(1) Governor, Lieutenant Governor, or an individual authorized by law to act as Governor.
(2) mayor of a city.

(1) Governor, Lieutenant Governor, or acting Governor totally exempt

(2) expanded to except "chief executive" of a municipality or political subdivision unless he is covered because he holds another position.

(3) elected head of an executive department of a State or municipality
(4) individual holding elective office.
(5) employees of educational and research institutions, etc.; totally exempt

(3) elected or appointed head of an executive department or political subdivision

(4) same, unless he is covered because he holds another position

(5) teachers and officials of educational institutions supported by states or political subdivisions.

(6) no provision

(6) Commission may exempt from restrictions on management and campaigning a part-time, temporary or intermittent employee, or an employee who has been granted leave without pay for 1 year or more.

Permis-
sible
Activi-
ties

(1) Expression of opinion on political subjects and candidates
(2) Activity in connection with nonpartisan elections
(3) Activity in connection with nonpartisan questions

(1) same as present law

(2) limited to nonpartisan elections for part-time offices

(3) Same as present law

PRESENT LAW

CSC DRAFT BILL

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(4) lists other types of permitted activity in regard to, for example, political stickers, civic organizations, membership in political parties, attendance at political rallies, signing petitions, financial contributions, and partisan candidacy in certain municipalities.

Prohibitions (1) employee may not use his official authority or influence for purpose of interfering with or affecting the results of an election or a nomination.

(2) employee may not directly or indirectly coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

(3) employee may not take an active part in political management or in political campaigns.

(1) and (2) essentially same as present law, but expanded to include examples, and incorporate some prohibitions now specified only in criminal law. For example, an employee may not induce any individual to solicit or make a political contribution, or to sell or purchase a ticket to a political dinner.

(3) same, except for exception of exempted municipalities. List of prohibited activities covers such areas as:

- (a) party office and management
- (b) political contributions
- (c) managing an election campaign
- (d) electioneering in partisan campaigns.

Exception No Provision
of employees
in certain
municipalities

Allows employee to be partisan candidate or engage in partisan management in local elections on same basis as Federal employees in designated communities

Investigation; (1) Commission investigates; fixes
Notice of time and place for a hearing, and
hearing gives employee notice of alleged
 violation
 (2) both employee and/or agency
 entitled to hearing

(1) essentially same as present law

(2) employee and agency entitled to reasonable time to answer; hearing; and decision on basis of record of hearing

Subpenas; (1) Commission has subpoena power
Depositions in adjudication
 (2) Commission may order testimony
 by deposition
 (3) person may not be excused from
 testifying on Fifth Amendment
 grounds.

(1) essentially same as present law, but includes investigations also

(2) essentially same as present law

(3) essentially same as present law

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PRESENT LAW

CSC DRAFT BILL

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Decisions
Penalties

- (1) Commission determines whether a violation has occurred; and
(2) determines whether the violation warrants removal
(3) reemployment bar of 18 months.

- (1) same as present law
(2) penalty is removal, unless Commission decides for suspension. Minimum suspension is 5 days.
(3) Commission may also bar employee from reemployment for a period of not more than 3 years by any agency of the State or political subdivision in which he was employed.

Order
Withholding
Loans or
Grants

- (1) Commission may withhold loans or grants when
(a) employee not removed within 30 days and
(b) employee is reemployed
(2) amount withheld is equal to 2 times annual pay of employee

- (1) essentially the same but amplified to cover cases where employee is not suspended or is reemployed within period of suspension.
(2) for violation of prohibition on management or campaigning, 4 times annual pay; for violation of prohibition on coercion, etc., 10 times annual pay. Withholding in a proportionate amount when penalty is suspension.

Judicial Review

Party aggrieved by Commission order or decision may seek review in United States District Court within 30 days of mailing of notice of determination.

Party aggrieved by Commission order or decision may seek review in United States Court of Appeals within 60 days of mailing of notice of determination.

Reinstate-
ment or
Restoration
Back Pay

No Provision

It is the sense of Congress that a State or local agency should award back pay to an employee if he is found to have undergone an unjustified or unwarranted personnel action.

State
Program
Political
Activity
Administration

No Provision

No Provision

In General

Section 1 -- Statement of Policy.

Section 2 -- Revision of subchapter III of chapter 73 of title 5, United States Code, relating to political activity of Federal employees.

Section 3 -- Conforming amendment of subsection (d) of section 1302 of title 5, United States Code, and repeal of subsection (a)(3) of section 1308 of title 5, United States Code.

Section 4 -- Revision of chapter 15 of title 5, United States Code, relating to political activity of certain State and local employees.

Section 5 -- Conforming amendments of Economic Opportunity Act of 1964, as amended, and Voting Rights Act of 1965.

Section 6 -- Usual separability provision.

Section 7 -- Authorization of appropriations.

Section 8 -- Effective date established, with reservation of jurisdiction in pending cases.

Subchapter III, chapter 73, title 5, United States Code.

Section 7321 - Contains necessary definitions.

(1) and (2) Definitions of "employee" and "agency" establish coverage of employees of the Federal and District of Columbia governments.

(3) The definition of "local office" refers to part-time elective offices, excluding those which either

are full-time or entail full-time service periodically, as in the case of a State legislator who attends regular sessions of the legislature annually for a 60-day period.

(4) Puerto Rico is included in the definition of "State" for clarity.

(5) "Political party" is defined by reference to national and state political parties, similar to the definition used in 5 U.S.C. 1503(2) and 7326(2) of the present law to describe nonpartisan questions with respect to which employees may be active. The definition includes "affiliated organization" in view of the multi-level and, sometimes, loosely integrated structure of the major parties, and is intended to encompass constituent organizations of a national or state party at any level, regardless of differences in name.

(7) The definition of "nonpartisan election" describes, in part, the area of permissible activities related to elections, excepting however, candidacy and other political activity in connection with elections for offices that are not part-time within the definition of "local office".

Section 7322 - Sets forth permissible political activities in greater detail than present law does. Authorizes an agency head to prohibit or restrict these permissible activities

on the part of specified classes of employees whose Federal duties justify such limitation.

Section 7323 - Strengthens present prohibitions on coercion by stating them in greater detail and incorporating, in substance, some of the prohibitions that are now specified only in the criminal law.

Section 7324 - Sets forth specific prohibitions on political management and political campaigning instead of the present reference to activities prohibited under pre-1940 decisions of the Civil Service Commission.

Section 7325 - Identifies employees to whom section 7324 does not apply. Significant changes in the present exceptions are that any Presidential appointee, except for the Civil Service Commissioners and members of specified regulatory agencies, would be excepted; members of temporary commissions and boards would be excepted; and the Commission would be authorized to except certain classes of employees who have limited tenure. The exception for employees of research institutions has been deleted.

Section 7326 - Authorizes the Commission to designate communities in which employees would be permitted to take an active part in both partisan and nonpartisan elections. The activity allowed is limited to elections for local offices, i.e., part-time offices.

Communities that may qualify are those in which at least 20% of the registered voters consist of Federal employees, military personnel, and their spouses. Independents would not be counted. The District of Columbia itself could qualify under the 20% standard, and employees could run for part-time offices.

Would change present law (5 U.S.C. 7327) by permitting employee candidacy under a partisan party label, and support of partisan party candidate, for "local office"--currently an employee-candidate in designated community may not run, or be supported by employees, as the candidate of a national or State party.

Section 7327 - Allows active participation in all nonpartisan elections.

Since, under the proposed definition, "nonpartisan election" would be limited to contests for "local office", i.e., part-time office, elections for any office, such as State legislative office that requires full-time service, even on a periodic basis, would be excluded from employee participation. Present law allows full participation in elections in which no candidate of a national or State party runs for the office to be filled.

Section 7328 - Provides that an employee who allegedly has violated the restrictions is entitled to a letter of charges,

the right to answer in writing, a hearing, and a decision on the record. Excepted from the Commission's jurisdiction are presidential appointees and other classes of employees that may be designated by the Commission.

Section 7329 - Gives the Commission subpoena power in Federal cases, a power it now has in State and local employee cases. Also provides for the taking of depositions, and for compelling testimony under grant of immunity from prosecution, subject to the approval of the Attorney General. Permits the Commission to proceed in a case even though a possible criminal offense has been reported to the Attorney General.

Section 7330 - Reduces the minimum penalty from a thirty-day suspension to a five-day suspension. It also authorizes a bar from Federal employment of up to three years, replacing the mandatory, permanent bar against reappointment in the employing agency when the penalty of removal is imposed.

Section 7331 - Allows an employee aggrieved by a decision or order of the Commission to seek review by the United States Court of Appeals for the circuit in which he resides, or by the United States Court of Appeals for the District of Columbia Circuit.

Chapter 15, title 5, United States Code

Section 1501 - Contains necessary definitions. The definition of "State or local employee" is the same as in present law coverage, except that it specifically excludes the Governor, an acting Governor, or a Lieutenant Governor, which aligns the State and local executive officer exclusions with the Federal law which excludes the President and Vice President. The definition of "State or local agency" is broadened to include an agency established by two or more States or political subdivisions. Contains other definitions identical to those in section 7321 of the bill.

Section 1502 - Sets forth permissible activities in more detail than does the present law. It also authorizes the head of a State or local agency to restrict permissible activities when the duties of an employee or group of employees justify such limitation.

Section 1503 - Strengthens the prohibitions on coercion. The language is substantially the same as section 7323.

Section 1504 - Sets forth the prohibitions on political management and political campaigning in greater detail than present law. The language is substantially the same as section 7324.

Section 1505 - Lists employees who are excepted from section 1504. The exceptions correspond, insofar as possible, to

the exceptions accorded Federal employees and includes the provision that the Commission is authorized to except certain classes of limited-tenure employees.

Section 1506 - Allows participation in management and campaigns involving both partisan and nonpartisan elections for local part-time offices in political subdivisions designated by the Civil Service Commission. Participation in these communities is permitted for State and local employees on the same basis as for Federal employees.

Section 1507 - As in section 7327 of the bill, allows active participation in nonpartisan elections.

Section 1508 - Provides that an employee who allegedly has violated the restrictions is entitled to a letter of charges, the right to answer in writing, a hearing, and a decision on the record.

Section 1509 - Sets out the Commission's subpoena power in State and local cases, and otherwise parallels the provisions applicable to Federal cases (section 7329).

Section 1510 - Reduces the minimum penalty from removal to a five-day suspension. It also authorizes a bar from employment of up to three years by the State or political subdivision in which the employee was employed. Current law does not allow suspension for minor infractions so that, unless there is a serious violation, no penalty attaches.

Section 1511 - Authorizes withholding from loans or grants when the State or local agency does not put into effect the penalty recommended by the Commission. It is generally similar to the present provision except that the amount authorized to be withheld has been increased to make this sanction more effective. Stronger penalties apply for violations involving coercion and use of official authority or influence than for violations involving management and campaigning.

Section 1512 - Authorizes a State or local employee or State or local agency to seek review of a Commission decision. Review is to be by a United States Court of Appeals (rather than, as currently, by a district court) to accord with more modern practice and to achieve uniformity with the review of Federal cases appealed from other Federal agencies. The present requirement that the employee be suspended pending court review has been deleted.

Section 1513 - Expresses the sense of Congress that State or local agencies should award pay to employees, under the same conditions that would entitle a Federal employee to back pay, when it is found that the loss of pay is due to unwarranted action under this chapter.

TAB

Part 733

Political Activity of Federal Employees

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Prohibited Activities

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733.122 Political management and political campaigning; prohibitions

733.123 Prohibited activity; exception of certain employees

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AUTHORITY: The provisions of this part 733 issued under 5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327; 42 U.S.C. 2729; E.O. 10577, 3 CFR 1954-58 Comp.

SUBPART A. THE COMPETITIVE SERVICE

General Provisions

Sec. 733.101 Definitions. In this subpart:

(a) *Employee* means an individual who occupies a position in the competitive service;

(b) *Agency* means an executive agency and the government of the District of Columbia;

(c) *Political party* means a national political party, a State political party, and an affiliated organization;

(d) *Election* includes a primary, special, and general election;

(e) *Nonpartisan election* means—

(1) An election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character; and

(f) *Partisan* when used as an adjective refers to a political party.

Permissible Activities

Sec. 733.111 Permissible activities. (a) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to—

(1) Register and vote in any election;

(2) Express his opinion as an individual

privately and publicly on political subjects and candidates;

(3) Display a political picture, sticker, badge, or button;

(4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(6) Attend a political convention, rally, fund-raising function; or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election covered by section 733.124;

(10) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(11) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(12) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(13) Otherwise participate fully in public affairs, except as prohibited by law in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his agency.

(b) Paragraph (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

Prohibited Activities

Sec. 733.121 **Use of official authority; prohibition.** An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

Sec. 733.122 **Political management and political campaigning; prohibitions.** (a) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.

(b) Activities prohibited by paragraph (a) of this section include but are not limited to—

(1) Serving as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party organization or political club;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(4) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a partisan candidate, political party, or political club;

(5) Taking an active part in managing the political campaign of a partisan candidate for public office or political party office;

(6) Becoming a partisan candidate for, or campaigning for, an elective public office;

(7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;

(8) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate;

(9) Driving voters to the polls on behalf of a political party or partisan candidate;

(10) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan

candidate for public office or political party office; and

(13) Initiating or circulating a partisan nominating petition.

Sec. 733.123 Prohibited activity; exception of certain employees. (a) Sections 733.121 and 733.122 do not apply to an employee of an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(b) Section 733.122 does not apply to—

(1) An individual exempted under section 7324(d) of title 5, United States Code;

(2) An employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality;

(3) Subject to the conditions of section 733.124, an employee who resides in a municipality or other political subdivision designated by the Commission under that section; or

(4) An employee who works on an irregular or occasional basis, on the days that he performs no services.

Sec. 733.124 Political management and political campaigning; exception of certain elec-

tions. (a) Section 733.122 does not prohibit activity in political management or in a political campaign by an employee in connection with—

(1) A nonpartisan election, or

(2) Subject to the conditions and limitations established by the Commission, an election held in a municipality or political subdivision designated by the Commission under paragraph (b) of this section.

(b) For the purpose of subparagraph (2) of paragraph (a) of this section, the Commission may designate a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of voters are employed by the Government of the United States, when the Commission determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections. Information as to the documentation required to support a request for designation is furnished by the Commission on request. The Commission has designated the following municipalities and political subdivisions, effective on the date specified:

In Maryland

Annapolis (May 16, 1941)
Berwyn Heights (June 15, 1944)
Bethesda (Feb. 17, 1943)
Bladensburg (Apr. 20, 1942)
Bowie (Apr. 11, 1952)
Brentwood (Sept. 26, 1940)
Capitol Heights (Nov. 12, 1940)
Cheverly (Dec. 18, 1940)
Chevy Chase, sections 1 and 2 (Mar. 4, 1941)
Chevy Chase, section 3 (Oct. 8, 1940)
Chevy Chase, section 4 (Oct. 2, 1940)
Martin's Additions 1, 2, 3, and 4 to
Chevy Chase (Feb. 13, 1941)
Chevy Chase View (Feb. 26, 1941)
College Park (June 13, 1945)
Cottage City (Jan. 15, 1941)
District Heights (Nov. 2, 1940)
Edmonston (Oct. 24, 1940)
Fairmont Heights (Oct. 24, 1940)
Forest Heights (Apr. 22, 1949)
Garrett Park (Oct. 2, 1940)

Glenarden (May 21, 1941)
Glen Echo (Oct. 22, 1940)
Greenbelt (Oct. 4, 1940)
Hyattsville (Sept. 20, 1940)
Kensington (Nov. 8, 1940)
Landover Hills (May 5, 1945)
Montgomery County (Apr. 30, 1964)
Morningside (May 19, 1949)
Mount Rainer (Nov. 22, 1940)
North Beach (Sept. 20, 1940)
North Brentwood (May 6, 1941)
North Chevy Chase (July 22, 1942)
Northwest Park (Feb. 17, 1943)
Prince Georges County (June 19, 1962)
Riverdale (Sept. 26, 1940)
Rockville (Apr. 15, 1948)
Seat Pleasant (Aug. 31, 1942)
Somerset (Nov. 22, 1940)
Takoma Park (Oct. 22, 1940)
University Park (Jan. 18, 1941)
Washington Grove (Apr. 5, 1941)

In Virginia

Alexandria (Apr. 15, 1941)
 Arlington County (Sept. 9, 1940)
 Clifton (July 14, 1941)
 Fairfax County (Nov. 10, 1949)
 Town of Fairfax (Feb. 9, 1954)
 Falls Church (June 6, 1941)

Herndon (Apr. 7, 1945)
 → Loudoun County (Oct. 1, 1971) ←
 Portsmouth (Feb. 27, 1958)
 Prince William County (Feb. 14, 1967)
 Vienna (Mar. 18, 1946)

Other Municipalities

Anchorage, AK (Dec. 29, 1947)
 Benicia, CA (Feb. 20, 1948)
 Bremerton, WA (Feb. 27, 1946)
 → Centerville, GA (Sept. 16, 1971) ←
 Crane, IN (Aug. 3, 1967)
 Elmer City, WA (Oct. 28, 1947)
 Huachuca City, AZ (April 9, 1959)

New Johnsonville, TN (April 26, 1956)
 Norris, TN (May 6, 1959)
 Port Orchard, WA (Feb. 27, 1946)
 Shrewsbury, NJ (July 2, 1968)
 Sierra Vista, AZ (Oct. 5, 1955)
 Warner Robins, GA (Mar. 19, 1948)

(c) An employee who resides in a municipality or political subdivision listed in paragraph (b) of this section may take an active part in political management and political campaigns in connection with partisan elections for local offices of the municipality or political subdivision, subject to the following limitations:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, an elective office shall not result in neglect of or interference with the performance of the duties of the employee or create a conflict, or apparent conflict, of interests.

Procedure

Sec. 733.131 **Investigation.** An agency shall promptly inform the Commission of any instance of prohibited political activity on the part of an employee in the competitive service. The Commission will determine whether to investigate an allegation of prohibited activity that it receives from an agency or from any other source. The employing agency will be notified before the investigation is started.

Sec. 733.132 **Charges.** After review of the report of investigation, the General Counsel of the Commission may close the case or issue charges. The charges shall set forth the alleged political activity specifically and in detail. The charges shall be served on the employee at least 30 days before the date of the adverse action

that is proposed. The employee may be represented by counsel at this and every other stage of the proceedings. The employee is entitled to be retained in an active-duty status until a final decision is made by the Commission.

Sec. 733.133 **Answer.** (a) The employee may answer the charges within 15 days from the day he receives them. He may answer personally, in writing, or both personally and in writing, and may furnish affidavits in support of his answer.

(b) After review of the answer or after the time for answering has expired, the General Counsel may close the case or refer it to an examiner of the Commission for further proceedings.

Sec. 733.134 **Motions.** An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion addressed to the Commission or the examiner. The motion and supporting reasons shall be served on the parties. Objections to a motion shall be submitted within 10 days after the motion is served, except that a motion for continuance or extension of time may be ruled upon ex parte.

Sec. 733.135 **Hearings.** (a) Unless the employee and the General Counsel agree to waive a hearing, the examiner shall schedule a hearing considering the convenience of the parties as to time and place. The hearing examiner shall notify the parties of the date and place of the hearing at least 10 days in advance.

(b) Testimony is under oath or affirmation. Witnesses who testify are subject to cross-examination. Each party is responsible for securing the attendance of his witnesses. The examiner may allow the introduction of affidavits.

(c) The hearing is recorded by a reporter designated by the Commission. The Commission furnishes a copy of the transcript to the employee without charge.

Sec. 733.136 **Powers of the examiner.** The examiners may:

- (a) Administer oaths and affirmations;
- (b) Rule on offers of proof and receive relevant evidence;
- (c) Fix the time and place of hearing;
- (d) Regulate the course of the hearing;
- (e) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing;
- (f) Hold conferences for simplification of the issues, or for any other purpose;
- (g) Dispose of procedural requests or similar matters;
- (h) Authorize, and set the time for, the filing of briefs, memorandums of law, or other documents as may be required in the proceedings;
- (i) Grant continuances and extensions of time; and
- (j) Take any other action in the course of the proceedings consistent with the purpose of this subpart.

Sec. 733.137 **Decision.** Following the hearing or the receipt of the file when hearing is waived, the examiner shall prepare and forward to the Commission his recommended decision and the record on which it is based. The Commission makes its decision on this record and notifies the employee and the employing agency. If the Commission's decision is that the employee engaged in prohibited political activity, the penalty is removal from the service, unless the Commission unanimously agrees that a less severe penalty is justified. Suspension without pay for thirty days is the minimum penalty.

SUBPART B. THE EXCEPTED SERVICE

Sec. 733.201 **Jurisdiction.** Sections 733.111-733.124 apply to an employee in the excepted service. It is the responsibility of the employing agency to investigate and decide allegations of prohibited political activity on the part of such an employee.

Sec. 733.202 **Agency procedure.** (a) An agency shall process cases of alleged political activity by an employee in the excepted service under procedures like those in sections 733.132 and 733.133.

(b) After review of the answer or after the time for answering has expired, the agency makes its decision and notifies the employee. If the agency's decision is that the employee engaged in prohibited political activity the penalty is removal from the service. The agency shall inform the employee of his right to appeal to the Commission.

Sec. 733.203 **Appeal to the Commission.** When the agency decision is to remove an employee in the excepted service, the employee may appeal to the Commission. The time limit for filing an appeal is 15 days from the date of receipt of the notice of the agency decision.

Sec. 733.204 **Commission procedure.** In adjudicating an appeal under this subpart, the Commission follows the procedures set out in sections 733.134-733.137.

SUBPART C. THE JOB CORPS

Sec. 733.301 **Coverage.** This subpart applies to each officer, employee, and enrollee of the Job Corps established by the Economic Opportunity Act of 1964, as amended, who is alleged to have engaged in political activity in violation of that act.

Sec. 733.302 **Procedure.** An action against an individual covered by this subpart is processed by the Commission under the procedures set out in sections 733.131-733.137.

→SUBPART D. THE UNITED STATES POSTAL SERVICE

Sec. 733.401 **Jurisdiction.** Sections 733.111-733.124 apply to an employee of the United

States Postal Service. By agreement with this agency, the Civil Service Commission investigates and adjudicates an allegation of political activity in violation of these sections by a covered agency employee.

Sec. 733.402 **Procedures.** The procedures of sections 733.131—733.137 apply to an action taken by the Civil Service Commission against an employee over whom it has jurisdiction under this subpart.←

TAB

PERSONNEL

HHB 

25X1A

4. POLITICAL ACTIVITY

- a. Restrictions on Federal employee participation in political activities are based on the Hatch Act, as amended. These restrictions apply equally to all Agency employees. The law provides severe penalties for violations whether willful or not. Below are listed some of the prohibited activities under the Hatch Act. Employees interested in complete information on the limitation on political activities should contact the Office of Personnel. An Agency employee may not

- (1) take annual leave to participate in a political campaign;
- (2) be a candidate for nomination for or election to a national or state political office; (He may run for a local community office only under certain specified circumstances.)
- (3) solicit others to become candidates for nomination for or election to political offices;
- (4) transport voters, except members of his immediate family, to the polls;
- (5) distribute political campaign material;
- (6) march in a political parade;
- (7) actively promote or sell tickets to such activities as political dinners;
- (8) publish or write for publication any article or letter soliciting votes for or against any political party or candidate;
- (9) solicit or receive any assessment or contribution for any political purpose;
- (10) campaign for or against a political party or candidate; or
- (11) make a political contribution in a Federal building or to another Federal employee.

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Approved For Release 2001/08/30 : CIA-RDP73B00296R000400180010-8

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Assistant Legislative Counsel
7D35

EXTENSION

6136

NO.

DATE

21 April 1972

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

21 APR 1972

Per our telecon. Please return the attached to us with a copy for the IG, which we will forward. (This is my only copy).

2.

3.

4.

5.

Assistant Legislative Counsel

Attachment

6.

7.

⑥ THANKS. COPY FOR IG ATTACHED.

8.

9.

10.

11.

12.

13.

14.

15.

Approved For Release 2001/08/30 : CIA-RDP73B00296R000400180010-8

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

6136

NO.

DATE

17 April 1972

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

 OGC

4/26/72
RHR

For your information or comment. The attached memorandum was also forwarded to the DDS and IG.

2.

3.

4.

5.

6.

Legislative Counsel

7.



8.

9.

10.

11.

12.

13.

14.

15.

att.

Pat -
Confirming our conversation, I agree 7b is to be preferred. If it is not amiable to a later year, it might be a new ball game then - that is, it might be in order for the Agency to undertake 7a, or some other approach.
RHR.